IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

Bail Appl..No. 7141 of 2006()

CRIME NO.92/2000 OF PAYANGADI POLICE STATION

PETITIONER/ACCUSED:

M.K. MUSTHAFA, AGED 40,
SON OF SULAIKHA, SULAIKHA MANZIL, ITTAPPURAM,
MUTTOM, P.O. VENGERA, KANNUR DIST.

BY ADV. SMT.S.K.DEVI
SRI.K.P.PRADEEP (PAYYANNUR)

RESPONDENT: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

B.A.No. 7141 OF 2006

DATED THIS THE 4TH DAY OF DECEMBER, 2006

O R D E R

Petitioner, who is the sole accused in Crime No.92/2000 of Payangadi Police Station for an offence punishable under section 498A IPC and now pending before the J.F.C.M., Payyannur as L.P.C.No.123/03, seeks anticipatory bail.

2. Admittedly, consequent on the non-appearance of the petitioner before court, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not seek regular bail after surrendering before the said court. Accordingly, if the petitioner surrenders before the court and files an application for regular bail, within 10 days from today, the same shall be considered and disposed of, preferably on the same date on which it is filed.

With this observation, this petition is dismissed.

V.RAMKUMAR, JUDGE

dsn